

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

CHRISTOPHER KNECHT,	:	Case No. 1:12-cv-763
	:	
Plaintiff,	:	Judge Timothy S. Black
	:	Magistrate Judge Stephanie K. Bowman
vs.	:	
	:	
CITY OF CINCINNATI, OHIO, et al.,	:	
	:	
Defendants.	:	

DECISION AND ENTRY:

- 1. ADOPTING THE REPORT AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE (Doc. 63); AND**
- 2. GRANTING PLAINTIFF'S MOTION TO VOLUNTARILY DISMISS DEFENDANT SPRINGS AND MOTION TO WITHDRAW MOTION FOR LEAVE TO FILE AN AMENDED COMPLAINT AND JOINDER OF PARTY DEFENDANT (Doc. 67).**

This case is before the Court pursuant to the Order of General Reference in the United States District Court for the Southern District of Ohio Western Division to the United States Magistrate Judge Stephanie K. Bowman. Pursuant to such reference, the Magistrate Judge reviewed the motion of the City to set aside this Court's entry of default judgment and for leave to file its Amended Answer out of time (Doc. 56), and on March 16, 2015, she submitted a Report and Recommendation (Doc. 65).

In her Report and Recommendation, the Magistrate Judge found the City's motion well-taken, such that she recommended it be granted, that the Clerk's entry of default be vacated, and that the City be granted leave to file its Answer out of time, nunc pro tunc, and the Answer be accepted as filed (Doc. 63). Plaintiff objected, (Doc. 65), but upon

further consideration appears to prefer to move this matter toward consideration of the merits rather than to fight a procedural battle (Doc. 67). As such, in his motion, he essentially abandons his efforts against the individual defendants, so as to avoid litigation over the question of qualified immunity (*Id.*). He further moves the Court to withdraw his motion for leave to file an Amended Complaint (*Id.*).

As required by 28 U.S.C. § 6369(b) and Fed. R. Civ. P. 72(b), the Court has reviewed the comprehensive findings of the Magistrate Judge and considered *de novo* the relevant filings in this matter. Upon consideration of the foregoing, the Court does determine the Report and Recommendation should be and is hereby adopted in its entirety. The Court further finds Plaintiff's unopposed motion well-taken. Accordingly:

1. The Report and Recommendation (Doc. 63) is **ADOPTED**.
2. Defendant's Motion to Set Aside the Entry of Default (Doc. 56) is **GRANTED**.
3. The Clerk's Entry of Default (Doc. 55) is **VACATED**.
4. The City is granted leave to file its Answer out of time, nunc pro tunc, and the City's Answer (Doc. 43) is **ACCEPTED as FILED**.
5. The Court **GRANTS** Plaintiff's Motion to Voluntarily Dismiss Defendant Margo Springs, and to withdraw his pending Motion for Leave to File an Amended Complaint and for Joinder of a Party Defendant (Doc. 67).

IT IS SO ORDERED.

Date: 4/28/15

Timothy S. Black
Timothy S. Black
United States District Judge